



Community Development Department

**BISMARCK BOARD OF ADJUSTMENT
MEETING AGENDA**

November 2, 2017

Tom Baker Meeting Room	5:00 p.m.	City-County Office Building
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MINUTES

1. Consider the minutes of the October 5, 2017 meeting of the Board of Adjustment.

REQUESTS / PUBLIC HEARING

2. **Variance from Section 14-03-06(1)(b)(4) of the City Code of Ordinances (Incidental Uses) –**
Lots 1-2, Block 29, Sturgis Addition (502 South 13th Street) | VAR2017-023

Owner / Applicant: Larry Hanson

Board Action: ☐approve ☐continue ☐table ☐deny

OTHER BUSINESS

3. **None.** No other business.

ADJOURNMENT

4. **Adjournment.** The next regular meeting date is scheduled for December 7, 2017.



BOARD OF ADJUSTMENT PUBLIC HEARING PROCEDURE AND PROTOCOL

All public hearings before the Board of Adjustment will follow the same basic format. This outline has been prepared to help you understand the procedure and protocol.

1. The Chair of the Board of Adjustment will introduce the item on the agenda and ask staff to present the staff report.
2. The Planner assigned to the file will present the staff report on the item. The presentation will be an overview of the written staff report included in the agenda packet, which is posted on the City's website by the end of the day on the Friday before the meeting.
3. The members of the Board of Adjustment may ask staff questions about the request itself, but they will not discuss the request prior to obtaining input from the public.
4. The Chair of the Board of Adjustment will then open the public hearing on the request and ask if anyone would like to speak to the Board.
5. The applicant or his or her designated agent is usually given the courtesy of speaking first to outline the proposal and/or clarify any information presented by staff. The applicant may speak at this time or wait until others have spoken.
6. The public hearing is then opened to the public to voice their support, opposition or to ask questions about the proposal. Please write your name and address on the sign-in sheet, step up to the podium, speak clearly, state both your first and last names and your address, then your comments. Speaking over the microphone rather than directly into it will provide the best audio quality. Also, please avoid tapping or banging the podium, as the microphone amplifies the sound. Your comments as well as any materials distributed to the Board of Adjustment at this time will be made part of the public record. If you would prefer to provide written materials to staff at the beginning of the meeting, we will distribute the materials to the Commission for you.
7. Please be respectful of the Board of Adjustment, staff and others speaking on the request. Personal attacks against the applicant or others, clapping/cheering or booing speakers is not acceptable. Staff and the applicant will only respond to questions from the Board of Adjustment, not questions directly from those speaking at the public hearing.
8. Everyone who wishes to speak will be given a chance to speak; however, at larger public hearings, the Chair may ask speakers to limit their time at the podium to five minutes, not repeat previous testimony/comments and only speak once. Members of the Board of Adjustment may ask questions of those speaking, but may also listen and deliberate after the public hearing is closed.
9. After everyone in the audience wishing to speak has given his or her comments, the Chair will close the public hearing portion for the agenda item. No additional comments from the public are allowed after the public hearing has been closed. At this point, the Chair will ask staff if they have any additional information or final comments.
10. The Board of Adjustment members will then discuss the proposal. They may ask staff or the applicant additional questions or for clarification of items stated during the public hearing. At the conclusion of the discussion, the Board will make its decision.

**BISMARCK BOARD OF ADJUSTMENT
MEETING MINUTES
October 5, 2017**

The Bismarck Board of Adjustment met on October 5, 2017, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Chairman Marback presided.

Members present were Ken Hoff, Chris Seifert, Curtis Janssen, Jennifer Clark, Michael Marback and Rick Wohl.

Staff members present were Jenny Wollmuth – Planner, Brady Blaskowski – Building Official, Melanie LaCour – Assistant City Attorney and Hilary Balzum – Community Development Administrative Assistant.

MINUTES:

Chairman Marback called for approval of the minutes of the September 7, 2017 meeting of the Board of Adjustment.

MOTION: A motion was made by Mr. Seifert and seconded by Mr. Janssen to approve the minutes of the September 7, 2017 meeting, as presented. With Board Members Clark, Hoff, Janssen, Marback, Seifert and Wohl voting in favor, the minutes were approved.

VARIANCE FROM SECTION 14-04-12(6) OF THE CITY CODE OF ORDINANCES (CG – COMMERCIAL/FRONT YARD) – TRACT 118 OF PART OF BLOCKS 5 AND 7, ORIGINAL PLAT (118 SOUTH 3RD STREET)

Chairman Marback stated the applicants, Capital Entertainment Corporation and Borrowed Bucks Roadhouse, are requesting a variance to reduce the required front yard setback, located along the east side of the property adjacent to South 3rd Street, from fifteen (15) feet to two (2) feet in order to construct a 600 square foot deck onto the existing building (Borrowed Bucks Roadhouse).

Ms. Wollmuth gave an overview of the request, including the following findings:

1. The need for a variance is not based on special circumstances or conditions unique to the specific parcel of land involved that are not generally applicable to other properties in this area and within the CG-Commercial zoning classifications.
2. The hardship is not caused by the provisions of the Zoning Ordinance.
3. Strict application of the provisions of the Zoning Ordinance would not deprive the property owner of the reasonable use of the property.

4. The requested variance is not the minimum variance that would accomplish the relief sought by the applicant.
5. The granting of the variance is not in harmony with the general purposes and intent of the Zoning Ordinance.

Ms. Wollmuth said staff recommends reviewing the findings in the staff report and modifying them as necessary to support the decision of the Board.

Chairman Marback opened the public hearing.

Mr. Hoff asked if the applicant has had a chance to look at putting the deck on any of the other sides of the existing structure.

Brad Erickson, Borrowed Bucks Roadhouse General Manager, said they chose the east side mostly because of the elements that come with the weather in North Dakota. He said they prefer the southeast side so as to avoid wind and sun activity. He said the west side of the building gets very hot during the summer and would like to provide some protection for their patrons.

Mr. Hoff asked if they plan to have railings and enclosure around the deck. Mr. Erickson said the design would be similar to their Fargo location, except it will be elevated off the ground. He said they will have a metal lower railing with Plexiglas on the top portion that would be high enough to prevent people from falling as well as to keep minors from being able to access the deck.

Mr. Hoff asked what the safety requirements are for a deck being 12 feet off of the ground. Mr. Blaskowski said the enclosure would have to be at least 42 inches high.

Mr. Erickson said this railing would meet that requirement and would be over 6 feet high total.

Ms. Clark asked if the south side access to the parking lot allows for two-way traffic. Mr. Erickson said it can flow that way, but typically traffic exits through the access point on the north side of the property.

Ms. Clark said the south side is tricky when being used as an exit as there are some view obstructions and a sidewalk. Mr. Erickson said the deck would be on pillars, allowing sight underneath so the sight line stays open.

Ms. Clark said the location of the deck makes sense and she does not think any restrictions on an approval are necessary, but she would like to see the entry and exit control be explored further.

Mr. Hoff asked if one-way signs, arrows or a curb extension are an option so as to avoid people potentially driving into the pillars.

Ms. Wollmuth said the owner is working with the Engineering Department to modify the existing access point onto South 3rd Street.

There being no further comments, Chairman Marback closed the public hearing.

Ms. Clark asked if City staff is concerned with the sight line as it relates to this addition. Mr. Blaskowski said they have had discussions regarding the sight line as the site plan is being reviewed. He said a one-way in and out is understood, so maintaining a site triangle at the exit point is not necessary.

MOTION: A motion was made by Mr. Hoff to approve the variance to reduce the required front yard setback, located along the east side of the property adjacent to South 3rd Street, from fifteen (15) feet to two (2) feet in order to construct a 600 square foot deck onto the existing building (Borrowed Bucks Roadhouse) on Tract 118 of part of Blocks 5 and 7, Original Plat (118 South 3rd Street), based on the age of the existing structure and its placement on the property causing setback restrictions. The motion was seconded by Ms. Clark and with Board Members Clark, Hoff, Janssen, Marback, Seifert and Wohl voting in favor of the motion, the motion was approved and the variance was granted.

VARIANCE FROM SECTION 14-03-10 OF THE CITY CODE OF ORDINANCES (OFF-STREET PARKING AND LOADING) – LOT 5 AND THE NORTH 50 FEET OF LOT 6, BLOCK 1, GOMKE ESTATES (5750 EAST MAIN AVENUE)

Chairman Marback stated the applicant, Quality Title Accommodation Party I, Inc., is requesting a variance to eliminate the requirement to pave the access road from East Main Avenue / County Highway 10 to his property in order to construct a 4,800 square foot storage building with office space.

Ms. Wollmuth gave an overview of the request, including the following findings:

1. The need for a variance is not based on special circumstances or conditions unique to the specific parcel of land involved that are not generally applicable to other properties in this area and within the MA-Industrial zoning classifications.
2. The hardship is not caused by the provisions of the Zoning Ordinance.
3. Strict application of the provisions of the Zoning Ordinance would not deprive the property owner of the reasonable use of the property.

4. The requested variance is not the minimum variance that would accomplish the relief sought by the applicant.
5. The granting of the variance is not in harmony with the general purposes and intent of the Zoning Ordinance.

Ms. Wollmuth said staff recommends reviewing the findings in the staff report and modifying them as necessary to support the decision of the Board.

Mr. Hoff asked why one owner is expected to pay for the paving of the road when it is used by multiple people. Ms. Wollmuth said this area has been developed for some time and it may have not been required by code at the time the other properties were developed.

Mr. Hoff asked if the other owners could be asked to contribute to paying for the improvements. Ms. Wollmuth said yes, the applicant could ask if they would be willing to do that.

Ms. Clark asked if the township provided comments on this request as it is located within the Extraterritorial Area. Ms. Wollmuth said they did not.

Ryan Deichert, Quality Title Accommodation Party I, Inc., said the properties he owns in this area are just over 11 acres and he does occupy the residence there. He said there are 14 shop condos to the south of him as well as four commercial shops. He said other adjacent owners do use this road as well as patrons of the Hillcrest Campground. He said this shop would be for his own personal and business use, not to be occupied as a rental. He said he would be the only one accessing it so it would not be a nuisance or inconvenience to the neighbors.

Mr. Seifert asked if the building would include an office space. Mr. Deichert said it would, as well as a bathroom for personal use.

Mr. Hoff asked what the stored items might include. Mr. Deichert said he has a camper, excess vehicles, equipment needed for his spray foam business and surplus appliances needed for the apartments he manages. He said tenants would not be coming on the property for any reason.

Mr. Hoff asked what types of discussions have been held with other adjacent property owners as far as getting help paying for the paving. Mr. Deichert said he briefly discussed it with the children of one of the owners but has not asked for assistance from Gibbs Township. He said the property is going through a zoning change right now as well to allow for industrial uses.

Chairman Marback said if industrial uses are going to be allowed then the road needs to be able to accommodate that.

Mr. Wohl asked if any of his companies' employees will be reporting to the property for work purposes. Mr. Deichert said he does not have any employees so that would be a non-issue.

Ms. Clark said she is surprised that the paving requirements apply when development of the property is for personal use only.

Ms. Wollmuth said because the property has two separate zoning districts, a request to change it all to industrial is being processed. She said because it is an industrial use, even though it is personal it is still considered to be a commercial or industrial building so the access is required to be paved up to the paved parking area.

Chairman Marback opened the public hearing.

Tobias Marmon said he is in the process of purchasing the Hillcrest Campground property to the west and would like to know who would maintain the road if it is paved or not. Chairman Marback said it would be privately owned, so the owner would have to maintain it even though he is not the only one using it.

There being no further comments, Chairman Marback closed the public hearing.

Mr. Hoff asked what the applicants' options are if the request is denied. Chairman Marback said he could appeal to the City Commission or ask the neighboring owners to help him pay for it.

Mr. Seifert said the owners of any further development encompassing this roadway would have the same situation. Ms. Wollmuth said that is correct.

Ms. Clark said her concern is of the new industrial zoning and commercial uses being developed in the future causing an increase in the traffic and it needing to be paved eventually.

Chairman Marback said it would cause a hardship on this owner to force them to pave it so it might be a good idea to add to the motion that this variance would not apply to future development. Ms. Wollmuth said the variance would only apply to this property and any other development would have separate requirements.

MOTION: A motion was made by Mr. Seifert to approve the variance to eliminate the requirement to pave the access road from East Main Avenue / County Highway 10 to his property in order to construct a 4,800 square foot storage building with office space on Lot 5 and the North 50 feet of Lot 6, Block 1, Gomke Estates (5750 East Main Avenue), based on the building to be constructed being for personal use and the road being a shared use. The motion was seconded by Mr. Wohl and with Board Members Clark, Hoff,

Janssen, Marback, Seifert and Wohl voting in favor of the motion, the motion was approved and the variance was granted.

VARIANCES FROM SECTIONS 14-04-03(4) OF THE CITY CODE OF ORDINANCES (R5 – RESIDENTIAL / LOT AREA); 14-04-03(6) OF THE CITY CODE OF ORDINANCES (R5 – RESIDENTIAL / LOT COVERAGE); 14-04-03(8) OF THE CITY CODE OF ORDINANCES (R5 – RESIDENTIAL SIDE YARD); 14-04-03(9) OF THE CITY CODE OF ORDINANCES (R5 – RESIDENTIAL / REAR YARD) – THE SOUTH 94.05 FEET OF LOT 1, BLOCK 2, RIVERVIEW ADDITION (404 WEST ROSSER AVENUE)

Chairman Marback stated the applicant, Jordan Hochhalter, is requesting variances to increase the required maximum lot coverage from thirty (30) percent to forty-five (45) percent, reduce the required rear yard setback located along the north side of the property from twenty (20) feet to one (1) foot, reduce the required side yard setback located along the west side of the property from five (5) feet to three (3) feet and to reduce the minimum lot size for a lot/parcel platted prior to 1953 from 5,000 square feet to 4,703 square feet to allow the construction of a 110 square foot addition to the existing attached garage.

Ms. Wollmuth then gave an overview of the request and included the following findings:

1. The need for a variance is not based on special circumstances or conditions unique to the specific parcel of land involved that are not generally applicable to other properties in this area and within the R5-Residential zoning classifications.
2. The hardship is not caused by the provisions of the Zoning Ordinance.
3. Strict application of the provisions of the Zoning Ordinance would not deprive the property owner of the reasonable use of the property.
4. The requested variance is not the minimum variance that would accomplish the relief sought by the applicant.
5. The granting of the variance is not in harmony with the general purposes and intent of the Zoning Ordinance.

Ms. Wollmuth said staff recommends reviewing the findings in the staff report and modifying them as necessary to support the decision of the Board.

Mr. Hoff asked if there was a driveway with an apron completed in 1929. Ms. Wollmuth said it is likely the garage was an afterthought and there is not a permit showing those details.

Chairman Marback opened the public hearing.

Mr. Hochhalter explained that the existing structure is rotting out and because the entire property is basically non-conforming, he cannot make any improvements to the garage without a variance. He said the addition to the garage would meet up with the edge of the house without encroaching into the neighbor's property and could then hold a normal sized vehicle. He said there is no foundation under the existing structure so it is sinking and is not safely usable as it stands now.

There being no further comments, Chairman Marback closed the public hearing.

Chairman Marback pointed out that because of the size of the existing garage and not being able to use it, the owner parks in front of it causing his vehicle to partially encroach onto the sidewalk.

MOTION: A motion was made by Ms. Clark to approve the variances to increase the required maximum lot coverage from thirty (30) percent to forty-five (45) percent, reduce the required rear yard setback located along the north side of the property from twenty (20) feet to one (1) foot, reduce the required side yard setback located along the west side of the property from five (5) feet to three (3) feet and to reduce the minimum lot size for a lot/parcel platted prior to 1953 from 5,000 square feet to 4,703 square feet to allow the construction of a 110 square foot addition to the existing attached garage on the South 94.05 feet of Lot 1, Block 2, Riverview Addition (404 West Rosser Avenue), based on the garage addition being a needed improvement to the property and it not going any further beyond the existing setbacks. The motion was seconded by Mr. Janssen and with Board Members Hoff, Clark, Janssen, Marback, Seifert and Wohl voting in favor of the motion, the motion was approved and the variance was granted.

OTHER BUSINESS

There was no other business to discuss at this time.

ADJOURNMENT

There being no further business, Chairman Marback declared the meeting of the Bismarck Board of Adjustment adjourned at 5:40 p.m. to meet again on November 2, 2017.

Respectfully Submitted,

Hilary Balzum
Recording Secretary

APPROVED:

Michael Marback, Chairman



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

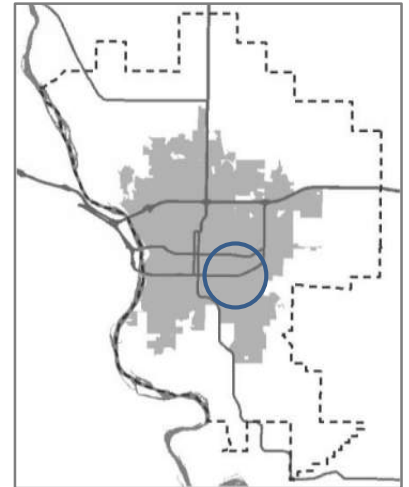
Agenda Item 2
November 2, 2017

Application for: Variance

TRAKiT Project ID: VAR2017-023

Project Summary

Title:	Lots 1-2, Block 29, Sturgis Addition (502 South 13 th Street)
Status:	Board of Adjustment
Owner(s):	Larry Hanson
Project Contact:	Larry Hanson
Location:	In south Bismarck, in the southwest quadrant of the intersection of South 13 th Street and Ingals Avenue.
Request:	Variance from Section 14-03-06(1)(b)(4) of the City Code of Ordinances (Incidental Uses)



Staff Analysis

The applicant is requesting a variance to increase the maximum area of accessory buildings from 1,200 square feet to 1,248 square feet for a residentially zoned property located within corporate limits.

The applicant obtained a building permit on June 8, 2016 to construct a 432 square foot addition (24'x18') to the existing 768 square foot accessory building (a copy of the building permit is attached). According to the building inspection reports, the foundation was poured in fall 2016 and was not inspected (a copy the inspection report is also attached).

Staff discovered that the poured concrete slab did not meet the size as indicated on the permit and was 48 square feet larger. The applicant would like to construct the proposed addition to the existing detached garage to match the oversized concrete slab. If approved as proposed, this would increase the allowed size of accessory buildings from 1,200 square feet to 1,248 square feet. At this time, the proposed addition building has not been constructed.

Applicable Provision(s) of Zoning Ordinance

Section 14-02-03 of the City Code of Ordinances (Definitions) defines a variance as, "A device which grants a property owner relief from certain provisions of the zoning ordinance when, because of the particular physical surroundings, shape or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or desire to increase the financial return."

Section 14-03-06(1)(b)(4) of the City Code of Ordinances (Incidental Uses) states, "All allowable accessory buildings for a one or two-family residence in an urban residential zoning district (R5, R10, RM, RMH, & RT) shall be limited to a maximum area of twelve hundred (1,200) square feet, a maximum wall height of twelve (12) feet and a maximum building height of twenty-five (25) feet."

Required Findings of Fact

1. The need for a variance is not based on special circumstances or conditions unique to the specific parcel of land involved that are not generally applicable to other properties in this area and within R10 - Residential zoning classifications.

(continued)

2. The hardship is not caused by the provisions of the Zoning Ordinance.
3. Strict application of the provisions of the Zoning Ordinance would not deprive the property owner of the reasonable use of the property.
4. The requested variance is not the minimum variance that would accomplish the relief sought by the applicant.
5. The granting of the variance is not in harmony with the general purposes and intent of the Zoning Ordinance.

Staff Recommendation

Staff recommends reviewing the above findings and modifying them as necessary to support the decision of the Board.

Attachments

1. Location Map
2. Site plan
3. 2016 Building Permit
4. Building Inspection Report
5. Written Statement of Hardship

Staff report prepared by: Jenny Wollmuth, AICP, CFM, Planner
701-355-1845 | jwollmuth@bismarcknd.gov

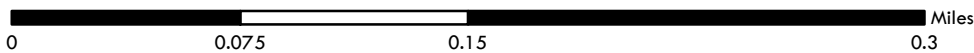
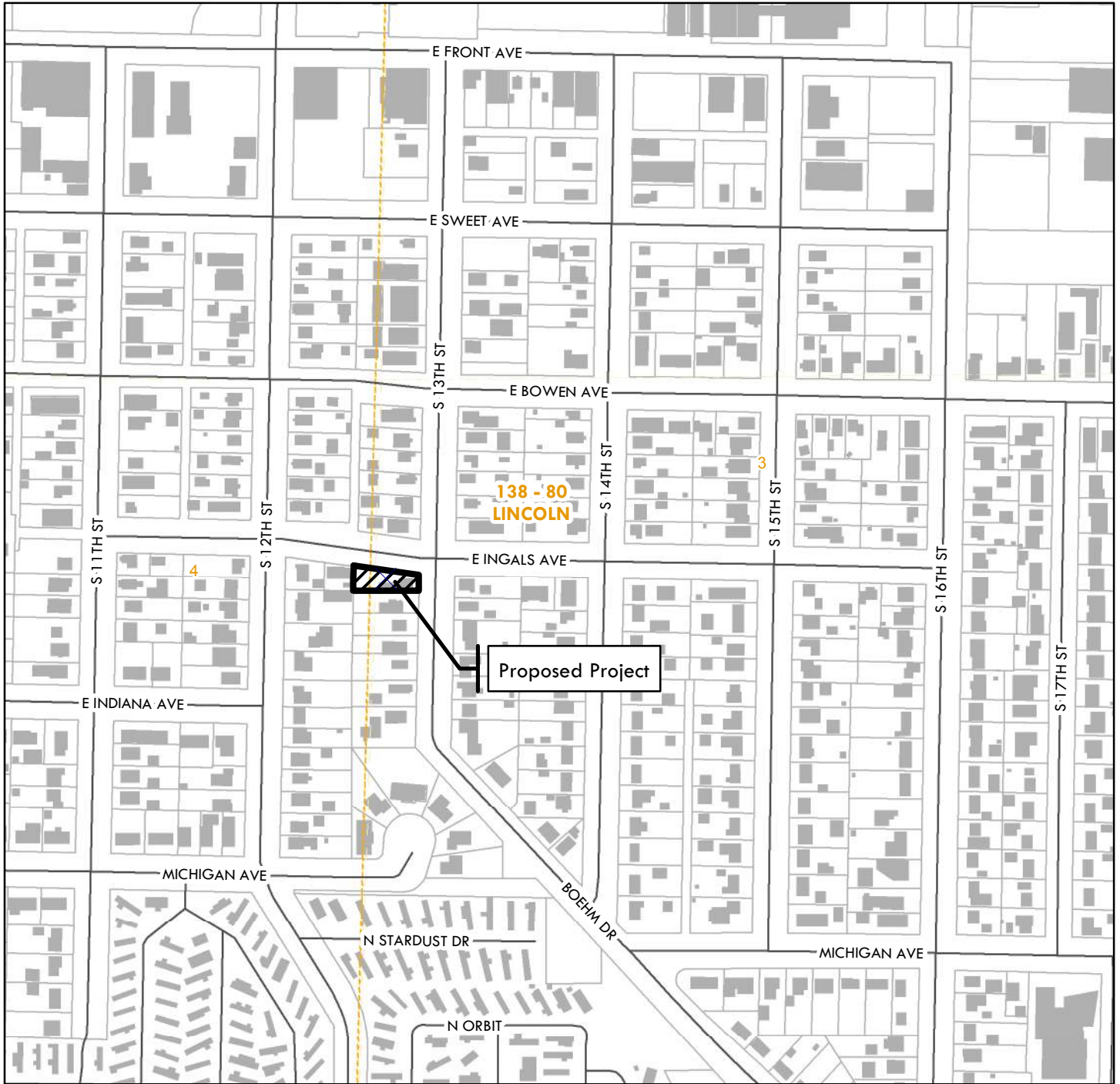


Proposed Variance

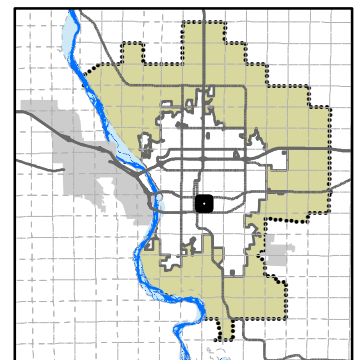
Project Subtitle

Trakit Project VAR2017-023

Location Map



Section, township, and range indicated in orange



City of Bismarck
Community Development Department
Planning Division
October 10, 2017 (HLB)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



BUILDING RESIDENTIAL
ACCESSORY
SHED

Permit:BRAC2016-0085
Approved By: CSIC
Issued Date: 6/8/2016
Expiration Date: 12/5/2016
Permit Fee: \$109.75

Bismarck Community Development Department *Building Inspections

221 North 5th Street* PO Box 5503 *Bismarck, ND 58506-5503 * www.bismarcknd.gov

* Phone: 701-355-1465 *Fax: 701-258-2073

Owner:HANSON, LARRY L

Contractor:

Address: 502 S 13TH ST

Phone Number:

Location: CITY OF BISMARCK

Front Yard Set Back: 25

Property Number: 0010-029-025

Rear Yard Set Back: 25

Legal Description: LOTS 1 - 2LOTS 1 - 2 LOTS 1 - 2

Side Yard Set Back: 3,3

Easements:

Description of Work: CONSTRUCT 24' X 18' ADDITION TO DETACHED ACCESSORY BUILDING

Additional Notes: OPEN WITH 4' PIER FOUNDATIONS FOR POSTS.

CONVENTIONAL STICK BUILTWITH MAXIMUM 8' POSTS AND HEIGHT OF 12' AT THE PEAK.ALL MEASUREMENTS BASED ON THE DISTANCE FROM PROPERTY LINE TO EAVE OF ACCESSORY BUILDING.DISTANCE OF 10' FROM REAR WALL OF PRINCIPLE STRUCTURE TO EAVE OF ACCESSORY BUILDING

PROPERTY LINES MUST BE CLEARLY MARKED

Work under this permit must commence within 180 days of permit issuance. Permittee must comply with all codes and ordinances applicable to work. Issuance of the permit does not grant any authorities to erect, modify, or use any structure in violation of any code or ordinance. All required inspections, including a final inspection, must be requested by the Permittee. In consideration for connection to City utilities, Permittee agrees to pay all applicable utility fees and charges pursuant to City Ordinance. This permit creates no warranties with regard to construction or code compliance. The inspections under this permit are for the benefit of the public and not the Permittee and the inspections do not create a duty to the Permittee, this owner, or to a subsequent purchaser with regard to quality of construction or code compliance. Federal law may require this construction project to conform to the Americans with Disabilities Act Accessibility Guidelines for Building and Facilities.



Permit Inspections City of Bismarck

Permit Number: **BRAC2016-0085**

Description: **CONSTRUCT 24' X 18' ADDITION TO DETACHED ACCESSORY BUILDING**

Applied: **6/8/2016**

Approved: **6/8/2016**

Site Address: **502 S 13TH ST**

Issued: **6/8/2016**

Finalized:

City, State Zip Code: **BISMARCK, ND 58504**

Status: **ISSUED**

Applicant: **LARRY HANSON**

Parent Permit:

Owner: **HANSON, LARRY L**

Parent Project:

Contractor: **<NONE>**

Details:

OPEN WITH 4' PIER FOUNDATIONS FOR POSTS.

CONVENTIONAL STICK BUILT WITH MAXIMUM 8' POSTS AND HEIGHT OF 12' AT THE PEAK. ALL MEASUREMENTS BASED ON THE DISTANCE FROM PROPERTY LINE TO EAVE OF ACCESSORY BUILDING. DISTANCE OF 10' FROM REAR WALL OF PRINCIPLE STRUCTURE TO EAVE OF ACCESSORY BUILDING

PROPERTY LINES MUST BE CLEARLY MARKED

LIST OF INSPECTIONS

SEQ ID	SCHEDULED DATE	COMPLETED DATE	TYPE	INSPECTOR	RESULT	REMARKS
1	6/8/2016	6/9/2016	ACCESSORY FOOTING	Kelly Unger	REINSPECTION REQUIRE	R330 P530 7014007570
Notes: Need to locate the nw property pin before he can pour the foundation.						
1	4/17/2017 PM	4/17/2017	ACCESSORY FOOTING	Kelly Unger	REINSPECTION REQUIRE	LARRY 701-400-7570 NOTES
Notes: SLAB POURED BY CONTRACTOR. PLEASE CONTACT HOMEOWNER REGARDING CONTINUING WITH THE PROJECT I will meet with the plan examiner in the morning, re inspection will be for tomorrow. Accessory building that he wants to add two is 12 feet away from the principal building and 3'6" away from property line. No inspection on the slab before was poured last fall.						
1	4/18/2017 AM	4/18/2017	ACCESSORY FOOTING	Kelly Unger	PASS	LARRY 701-400-7570
Notes: No inspection on thickened edge slab, he poured the thickened edge slab last fall.						
2			ACCESSORY FINAL**	Kelly Unger		
Notes:						



City of Bismarck
Community Development Department
Planning Division
Phone: 701-355-1840 * FAX: 701-222-6450 * TDD: 711
PO Box 5503 * Bismarck, ND 58506-5503
planning@bismarcknd.gov

Last Revised: 01/2017

WRITTEN STATEMENT OF HARDSHIP (VARIANCE REQUEST)

NOTE: WRITTEN STATEMENTS OF HARDSHIP MUST ACCOMPANY EVERY VARIANCE REQUEST APPLICATION

OCT 09 2017

PROPERTY INFORMATION

Property Address or Legal Description:
(Lot, Block, Addition/Subdivision)

502 S 13th St

Location of Property:

☒ City of Bismarck

☐ ETA

Type of Variance Requested:

Lot coverage

Applicable Zoning Ordinance:
(Chapter/Section)

R10 (14.04.010) (R10) (Lot coverage)

Describe how the strict application of the requirements of the Zoning Ordinance would limit the use of the property. (Only limitations due to physical or topographic features – such as an irregularly shaped, narrow, shallow or steep lot or other exceptional physical or topographic condition – that are unique characteristics and not applicable to other properties in the neighborhood are eligible for a variance. Variances cannot be granted on the basis of economic hardship or inconvenience.)

See attached explanation

Describe how these limitations would deprive you of reasonable use of the land or building involved, and result in unnecessary hardship.

Describe how the variance requested is the minimum variance necessary to allow reasonable use of the property.

OCT 09 2017

I paid a concrete contractor this summer to pour an 18' X 24' slab on the west side of my existing garage (which is 24 X 32). I showed him drawings of the proposed building and discussed drainage affects, sloping, type of thickened edge foundation, how to bond it to the existing concrete of the garage, etc.

They leveled the area and did all of the pre-concrete work in a day and poured it the next morning. I did not realize until long after they had left that the slab was two feet wider than I had asked for or 20' X 24'.

I have two options at this point. One, saw off three feet of the new concrete slab and jackhammer out the concrete. Drill holes into the side of the existing concrete, epoxy rebar into the holes to tie a new thickened edge foundation to the existing slab, then form up and pour a new thickened edge. Then add fill dirt and plant new grass again. Two, request a variance to allow me to build the building the size of the current foundation. The new addition would be 20' X 24' instead of the 18' X 24' addition I received a permit for. This puts me at 1,248 square feet, 48 square feet larger than is normally permitted.

The extra 48 square feet is the minimum variance necessary. Thank you for your consideration.

Larry Hanson